

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF NORTH DAKOTA**

IN THE MATTER OF THE APPLICATION
OF SCS CARBON TRANSPORT LLC FOR
A CERTIFICATE OF CORRIDOR
COMPATIBILITY AND ROUTE PERMIT
FOR THE MIDWEST CARBON EXPRESS
PROJECT IN BURLEIGH, CASS, DICKY,
EMMONS, LOGAN, MCINTOSH,
MORTON, OLIVER, RICHLAND AND
SARGENT COUNTIES, NORTH DAKOTA

CASE NO. PU-22-_____

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**Application of SCS Carbon Transport LLC for Waiver or Reduction of
Procedures and Time Schedules**

In connection with its submission of a consolidated application for a Certificate of Corridor Compatibility and Route Permit ("Consolidated Application") for the construction of that portion of the Midwest Carbon Express Project located in the State of North Dakota (the "Project"), SCS Carbon Transport LLC ("Summit") submits to the North Dakota Public Service Commission (the "Commission") this application for a waiver or reduction of procedures and time schedules set forth in Chapter 49-22.1 of the North Dakota Century Code ("Siting Act") and Article 69-06 of the North Dakota Administrative Code ("Siting Rules"). Summit requests the Commission waive and/or reduce procedures and time schedules required by the Siting Act and Siting Rules to accomplish the purposes as requested herein. In accordance with North Dakota Century Code Sections 49-22.1-05, 49-22.1-08 and 49-22.1-10, and North Dakota Administrative Code Section 69-06-01-02 and Chapter 69-06-06, Summit's request includes, but is not limited to:

1. That the Commission accept the Consolidated Application for a certificate and route permit pursuant to Section 49-22.1-08 of the North Dakota Century Code and waive the provisions of North Dakota Century Code Sections 49-22.1-06, 49-22.1-07, and

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49-22.1-10, and North Dakota Administrative Code Section 69-06-01-02 insofar as they require separate notices of filing of applications for a Certificate of Corridor Compatibility (“Corridor Certificate”), a Route Permit, and the application for waiver of procedures and time schedules (“Waiver Application”), separate hearings on such applications, and certain time schedules as set forth in said statutes and rules.

2. That the Commission hold a single consolidated hearing on this Waiver Application and the Consolidated Application.
3. That the Commission allow for a consolidated notice of publication with respect to the Consolidated Application and Waiver Application.
4. That the Commission waive the requirements of Section 69-06-05-01(2)(f) of the North Dakota Administrative Code insofar as this section may require a corridor width of ten percent of the corridor’s length with a maximum width of six miles, reducing the required corridor width to between 300 feet and one mile for the Project.

Consistent with Section 69-06-06-01(2) of the North Dakota Administrative Code, Summit provides the following information in support of its waiver requests:

A. Description of Proposed Project.

1. **Type:** The Project is part of Summit’s Midwest Carbon Express Project (“MCE Project”) which consists of approximately 2,000 miles of pipeline for the transportation of carbon dioxide from industrial facilities located in Iowa, Nebraska, Minnesota, South Dakota and North Dakota. The portion of the MCE Project located in North Dakota, and the Project which is the subject of the Consolidated Application, is located in Burleigh, Cass, Dickey, Emmons, Logan, McIntosh, Morton, Oliver, Richland and Sargent Counties, North Dakota and entails the construction of approximately 320 miles of lateral, trunkline and mainline carbon dioxide

pipelines originating at (1) the North Dakota and Minnesota border south of Wahpeton, (2) the North Dakota and South Dakota border southwest of Ashley, North Dakota, and (3) the Tharaldson Ethanol Plant near Casselton, North Dakota. The terminus of the Project is located at a metering and pump station site near the Milton R. Young Power Plant in Oliver County, North Dakota, from which the carbon dioxide will ultimately be injected into secure geologic storage facilities located in Oliver and Mercer Counties, North Dakota. The pipeline will be constructed of high-strength carbon steel and will range from 4.5 to 24 inches in outside diameter depending on volume requirements and pressure service. Surface facilities (e.g., pump stations, valves, launcher/receivers) related to the proposed pipeline will be located at designated points along the Project route.

2. **Product:** The Project will transport dense phase or supercritical carbon dioxide.

3. **Capacity and Design:** The Project will require installation of 4 to 24 inch outside diameter carbon steel pipeline with a nominal wall thickness ranging from 0.189 inches to 0.750 inches. The maximum operating pressure for the pipeline is 2,183 pounds per square inch gauge (psig), with the normal operating pressure for the pipeline ranging between 1,200 and 2,150 psig. The pipeline will be designed to operate at a maximum of 120 degrees Fahrenheit and to carry up to 936 million standard cubic feet per day (MMSCFD) of carbon dioxide. The Project will be designed, constructed, operated, and maintained in compliance with applicable portions of the U.S. Department of Transportation regulations set forth in 49 C.F.R. Part 195, *Transportation of Hazardous Liquids by Pipeline*, American Society of Mechanical Engineers (ASME) Standard B 31.4, and American Petroleum Institute (API) Standard 1104, *Welding Pipelines and Related Facilities*.

For additional analysis of the capacity, design and technology utilized for the proposed Project, please see Section 2 of Summit’s Consolidated Application, which accompanies this Waiver Application.

4. **Location:** As explained above, the carbon dioxide pipeline will originate at (1) the North Dakota and Minnesota border south of Wahpeton, (2) the North Dakota and South Dakota border southwest of Ashley, North Dakota, and (3) the Tharaldson Ethanol Plant near Casselton, North Dakota. The terminus of the Project is located at a metering and pump station site near the Milton R. Young Power Plant in Oliver County, North Dakota, from which the carbon dioxide will ultimately be injected into secure geologic storage facilities located in Oliver and Mercer Counties, North Dakota. Maps of the proposed Project and route of the pipeline are provided in Appendix 1 to the Consolidated Application filed herewith.

5. **Geographical Service Area:** As noted above, The Project is part of Summit’s MCE Project which consists of approximately 2,000 miles of pipeline for the transportation of carbon dioxide from industrial facilities located in Iowa, Nebraska, Minnesota, South Dakota and North Dakota where the carbon dioxide will be injected into secure geologic storage facilities located in Oliver and Mercer Counties, North Dakota.

6. **Time Schedule:** Summit proposes to develop the Project on the following schedule:

- Obtain Corridor Certificate and Route Permit: March 15, 2023
- Complete ROW Acquisition for the Project: October 2023
- Commence Construction of the MCE Project: August 2023
- Complete Construction of the MCE Project: Third Quarter 2024
- Complete Testing Operations: Third Quarter 2024
- Commence Operations: Fourth Quarter 2024

7. **Future Plans:** Summit has no specific plans for additions to or modification of the Project at this time.

8. **Need for the Facility and Alternatives Considered.**

North Dakota has declared that it is in the public interest to promote the geologic storage of carbon dioxide and that doing so will:

- benefit the state and the global environment by reducing greenhouse gas emissions; and
- allow for readily available carbon dioxide, a potentially valuable commodity, for commercial, industrial, or other uses.

See Section 38-22-01 of the North Dakota Century Code. The Project will have the capacity to move and sequester up to 18 million metric tons of carbon dioxide per annum from participating industrial facilities in North Dakota, as well as carbon dioxide from industrial facilities in Minnesota, South Dakota, Iowa, and Nebraska. In North Dakota, the Project will reduce yearly carbon dioxide emissions by up to 447,000 million metric tons. Without the Project, ethanol and other industrial plants in the five-state footprint lack a viable option to capture and permanently store their carbon dioxide emissions, because most states do not have proven subsurface geologic formations capable of economically storing the volume of carbon dioxide the plants produce. The Project provides a carbon dioxide transportation and sequestration solution.

Summit considered multiple alternatives for the Project, including system alternatives, transportation alternatives, and the no action alternative. Ultimately, the Project represents the only viable option taking into consideration existing infrastructure and the need for the Project. Furthermore, pipeline is the safest mode for transporting carbon dioxide. As compared to rail and truck transportation, pipelines are the safest, most efficient, and most reliable means to

transport fluids (i.e., liquids and gases), according to statistics compiled by the U.S. Department of Transportation.

For additional analysis of the need for the Project, including a discussion of alternatives evaluated, please see Sections 2.2.1 and 4 of the Consolidated Application, which accompanies this Waiver Application.

9. **Cost.**

The total estimated cost of the Project is \$898 million. The MCE Project is expected to have a \$4.5 billion capital investment.

B. **Waiver Request.**

Summit requests that the Commission grant the waivers requested herein because these waivers are needed to prevent potentially significant delays to the Project. Without the waivers of time schedules and procedures requested, completion of Summit's proposed Project will be delayed, which in turn, will delay the environmental and economic benefits the Project will bring to North Dakota.

Section 49-22.1-05 of the North Dakota Century Code provides that the Commission may waive procedures and time schedules upon a finding that "the proposed facility is of a length, design, location, or purpose that it will produce minimal adverse effects." Based upon the investigation and analysis set forth in Summit's Consolidated Application, granting the requested waivers is appropriate because the proposed Project will produce minimal adverse effects.

In determining whether the proposed pipeline will result in adverse impacts on the environment, Summit evaluated the Project using the criteria set forth in the Siting Act, the Siting Rules, and the Commission's guidelines. More specifically, Summit evaluated the impacts of the Project and associated facilities considering the siting criteria set forth in

Section 69-06-08-02 of the North Dakota Administrative Code and the factors set forth in Section 49-22.1-09 of the North Dakota Century Code. Impacts associated with the Project, and mitigation measures that will be taken with respect to said impacts, are summarized in Sections 5, 7, 8, 9 and 10 of Summit's Consolidated Application. Based upon Summit's siting criteria evaluation, and the factors set forth in the Siting Rules, the Project will have minimal adverse effects.

Accordingly, Summit respectfully requests the Commission grant the requested waivers and render an expeditious decision.

Dated this 17th day of October, 2022.

FREDRIKSON & BYRON, P.A.

By: 

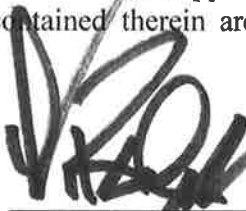
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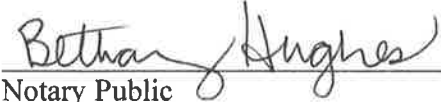
LAWRENCE BENDER, of lawful age, being first duly sworn, on oath deposes and says:

That he is the duly elected and qualified attorney for SCS Carbon Transport LLC, the applicant in the foregoing application; that he executed the foregoing application for and on behalf of said applicant and as its said attorney that he has read said application and knows the contents thereof, and that the statements made and contained therein are, to the best of his knowledge and belief, true and correct.



LAWRENCE BENDER

Subscribed and sworn to before me this 17th day of October, 2022.


Notary Public